

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
INTERLINK d/b/a SALUT USA,

Appellant,
-against-

E.D. Bankr. Case
No. 8-12-74968 (AST)

ROBERT KATLOWITZ and NEENA SLAVIN
KATLOWITZ,

MEMORANDUM & ORDER
13-CV-3714 (JS)

Appellees.

APPEARANCES

For Appellant: Sean Patrick McGrath, Esq.
Law Offices of Sean P. McGrath, Esq.
305 Lexington Avenue - PH A
New York, NY 10016

For Appellees: Donald L. Citak, Esq.
Citak & Citak, Esqs
270 Madison Avenue, Suite 1203
New York, NY 10016-0601

SEYBERT, District Judge:

This action is an appeal of an order entered in the Chapter 13 bankruptcy proceeding of debtors Robert Katlowitz and Neena Slavin Katlowitz ("Debtors"). Appellant Interlink d/b/a Salut USA ("Appellant") appeals the May 1, 2013 Order of the United States Bankruptcy Court for the Eastern District of New York (the "Bankruptcy Court") vacating certain liens held against Debtors' property located in Roslyn Estates, New York. However, a review of the Bankruptcy Court docket reveals that the parties entered into a settlement agreement on July 31, 2013, which states in relevant part:

[u]pon the issuance of the appropriate Court Order approving this Settlement, Interlink shall discontinue with prejudice its appeal from the May 1, 2013 Court (by Honorable Alan S. Trust) Order Avoiding Judicial Liens Pursuant to 11 U.S.C. § 522(f) entered in the above-captioned Chapter 13 proceeding by taking the necessary steps in the U.S. District Court, Eastern District of New York (case number 2:13-cv-03714-js) to do so.

(Settlement Agreement & General Release, In re Katlowitz, No. 8-12-74968-ast (Bankr. E.D.N.Y. Aug. 5, 2013), Docket Entry 88-3, ¶ 4.) On September 4, 2013, upon Debtors' motion, the Bankruptcy Court entered an order approving the Settlement Agreement and General Release. Accordingly, the Court DISMISSES WITH PREJUDICE Appellant's appeal in light of the so ordered settlement agreement.

Further, an independent basis of dismissal also exists due to Appellant's inexcusable failures to file an appellate brief pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and to communicate with the Court since it filed its notice of appeal over seven months ago. See Bristol v. Ackerman (In re Marcel C. Bristol), No. 09-CV-1638, 2010 WL 1223053 (E.D.N.Y. May 24, 2010).

CONCLUSION

For the foregoing reasons, Appellant's appeal is DISMISSED WITH PREJUDICE. The Clerk of the Court is directed to enter judgment accordingly and mark this appeal CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 10, 2014
Central Islip, NY